

# Surface Water Design Manual Variances or Adjustments

# 34B



## A DDES Customer Information Bulletin



King County Department of Development and Environmental Services  
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<http://www.metrokc.gov/ddes/>

## Frequently Asked Questions

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

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## How to request a variance (1990 KCSWDM) or an adjustment (1998 KCSWDM) for surface water design requirements

This bulletin provides information about when and how you should apply for a variance or adjustment when your project cannot be designed and built entirely in conformance with adopted standards. Approval of a variance or adjustment allows you to depart from adopted standards in the way(s) specified. All drainage facilities required as part of a development proposal in unincorporated King County must be designed and built according to the King County Road Standards and the applicable King County Surface Water Design Manual (KCSWDM).

Information regarding the procedures for requesting variances or adjustments can be found in the applicable KCSWDM. All of the documents mentioned above can be reviewed or purchased at the King County Department of Development and Environmental Services (DDES) or at the Department of Natural Resources (DNR).

## Frequently Asked Questions

### When do I have to apply for a variance or an adjustment?

A variance from standards is considered for projects vested with “complete applications” prior to September 1, 1998 (see section 1.4 of chapter 1: “Summary and Guide to All Requirements” in the 1990 KCSWDM, revised November, 1995). An adjustment is considered for projects vested with “complete applications” on or after September 1, 1998 (see section 1.4 of Chapter 1: “Drainage Review and Requirements” in the 1998 KCSWDM, revised October 30, 1998).

You have to apply for a variance or adjustment when one of the following applies to your project:

1. You propose drainage improvements that are not prescribed in the standards.
2. Adopted standards do not address your particular site conditions, or do not contain product specifications called for by the designer.
3. You propose **not** to meet an applicable requirement of the standards.
4. Application of the standards may deny reasonable use of your property.
5. You want to appeal the preliminary approval conditions relating to roads or drainage for short plats.
6. You want to vest your project to the most current adopted standards or manual.

Generally, a variance or adjustment is not needed if the design of your improvements exceeds the standards for those improvements.

Your request for a variance or an adjustment must be submitted after the preliminary project application is submitted. If, however, the feasibility of the entire project depends on approval of a variance or adjustment decision, you will be allowed to request the variance or adjustment before submitting the project application.

Variances or adjustments must be approved before construction. You face the risk of costly reconstruction or removal of substandard work if the variance or adjustment request is denied, or if it is approved on the condition that specific work must be done.

### How do I apply for a variance or an adjustment?

Separate applications are required for variances and adjustments. Application forms are available at the DDES offices.

The design engineer for your project should complete the application forms for a variance or adjustment. To help expedite the review process, include the following information with your application:

- ◆ Identification of the specific sections and requirements of the King County standards that will be varied or adjusted along with an explanation of how the proposed design will provide compensating or comparable performance as intended by the standards to be varied or adjusted.
- ◆ A detailed justification for requesting a variance or adjustment; i.e. that the proximity of existing development and limited right-of-way makes it necessary. (See the applicable KCSWDM to review the criteria for granting a variance or adjustment.)
- ◆ All relevant review information, such as preliminary approval conditions, vicinity maps, photographs, engineering plans, or sketches to illustrate the impact of applying King County standards to the project. An off-site drainage analysis may be required for a variance or adjustment.

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- ◆ A description of any proposed work designed to mitigate impacts created by the variance or adjustment. This must show that your proposal provides a public benefit that is equal to or better than that which would result without a variance or adjustment.
- ◆ Photographs of existing conditions.
- ◆ An assessor's map with the boundaries of your parcel highlighted.
- ◆ Payment of the required fees.

Note: Financial costs associated with meeting standards will not be considered by the County as sufficient justification for granting a variance or adjustment.

There is no guarantee that your request will be approved. King County may grant your variance or adjustment if you are able to show the following:

1. That the variance or adjustment is in the public interest.
2. That it meets the objectives of safety, function, fire protection, appearance, and maintainability.
3. That your designs are based on sound engineering judgment.

## What happens to my application after I submit it?

The KCSWDM Variance/Adjustment Review Committee consisting of engineers from DDES and DNR will review your application. A field inspection may be made to determine the accuracy and completeness of your application, as well as to check existing site conditions. In some cases, the committee may ask for additional studies or more information.

The committee will review your alternative designs and evaluate your application, taking into consideration public interest and design considerations.

If there is an “experimental” adjustment to the requirements of the KCSWDM, DNR will make the final determination.

If there is a “standard,” “complex,” or “pre-application” adjustment to the applicable KCSWDM, the DDES Director, or designee, will make the final decision.

If there is a “blanket” adjustment to the applicable KCSWDM, both DNR and DDES will make the final decision.

Many variance and adjustment requests that are approved contain conditions. Such conditions then become part of the approved plan and must be adhered to.

The variance or adjustment request becomes part of your permanent development record, whether it is approved or denied.

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### What if my request is denied or I am dissatisfied with the approval conditions?

If your request for a variance or adjustment is denied, you should reconsider and redesign your proposal to meet the standards. If you are not satisfied with the determination made by the DDES designee and/or DNR, or if redesign is not possible, you may appeal a decision to the Director of DDES. Once you have made this appeal, there is no further appeal process to the Director's decision.

If you have further questions regarding the appeal process, contact the Land Use Services Division of DDES.

### For additional information

For information regarding KCSWDM variances or adjustments, contact the following technicians:

- ◆ Commercial Permit Technician – 206-296-6600
- ◆ Residential Permit Technician – 206-296-6600
- ◆ Land Use Counter Technicians – 206-296-6655

For further technical and committee review process information for KCSWDM variances or adjustments, call the Master Drainage Plan Senior Engineer in DDES at 206-296-7207.

### Other variances

DDES also deals with requests for variances from requirements other than those relating to roads and drainage. Often, proposals involve encroachments into building setback requirements, restrictions in sensitive areas, or development in floodplain hazard areas. Please note that such proposals require shoreline or sensitive area variances or variances from the Zoning Code, rather than from the road standards or requirements of the applicable KCSWDM.

The Land Use Services Division of DDES reviews these other types of variances. For more information on such variances, call a zoning technician at 206-296-6655.

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### Other bulletins and telephone numbers that may be helpful

Bulletin 1	Building and Development Permit Telephone Numbers
Bulletin 9	Obtaining a Residential Building Permit
Bulletin 16	Shoreline Erosion Control
Bulletin 21	Sensitive Areas Review
Bulletin 26	The SEPA Process
Bulletin 29	Drainage Reviews
Bulletin 34A	Road Variances
206-296-6600	Commercial Permit Technician; Residential Permit Technician
206-296-6655	Land Use Counter Technician



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6719 or TDD 206-296-7217.